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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DONALD STRATTON,

12 Petitioner,

13 v.

14 DOUG WADDINGTON, and SCOTT
15 RUSSELL,

16 Respondents.


Case No. C08-5311RJB/JKA

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PETITION WITHOUT
PREJUDICE

17 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
18 Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find
19 and **ORDER:**

- 20 (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 18);
21 (2) The Petition is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust; and
22 (3) The Clerk is directed to send copies of this Order to Petitioner and to the Hon. J. Kelley
23 Arnold.

24 DATED this 26th day of September, 2008.

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27 Robert J Bryan
28 United States District Judge